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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,201	09/29/2000	Sanae Tagami	197893US0	1428

22850 7590 05/22/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

GARRETT, DAWN L

ART UNIT PAPER NUMBER

1774

16

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No. 09/675,201	Applicant(s) TAGAMI ET AL.	
Examiner Dawn Garrett	Art Unit 1774	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 02 May 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☒ Newly proposed or amended claim(s) 14 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 9.

Claim(s) rejected: 2-8 and 10-12.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 15.
10. ☐ Other: _____

Continuation of 2. NOTE: Proposed independent claim 13 is of a scope not previously considered. The claim requires a metal complex of quinoline with compounds 1-14 and 16-18 in an organic layer. The metal complex was not previously searched. Also, newly proposed claims 16 and 17 recite compounds A-1 to A-18 and B-1 to B-17, which have not been previously searched.

Continuation of 5. does NOT place the application in condition for allowance because: The proposed amendment has not been entered and accordingly the rejections of record are maintained. Applicant's representative noted a brief discussion had been conducted with Examiner Garrett with regard to this application on May 1, 2003. Examiner Garrett did not discuss this application on May 1, 2003, but an interview was held on July 18, 2002. A summary of the July 18, 2002 interview is of record in the application. If applicant files a continuation, the examiner requests applicant indicate which newly claimed compounds, if any, read upon applicant's elected species. Furthermore, the examiner notes the abstract is in improper form and should only be one paragraph in length. The examiner notes the current species under consideration is compound 3 wherein at least one of X1 to Xi is an alkenyl group. Applicant's representative argues Nakatsuka JP 10-168445 fails to disclose a "fluoranthene skeleton structure comprising any substituted amine group or any substituted alkenyl group". The examiner notes the claims do not require the "at least one amine or alkenyl" be substituted. Nakatsuka teaches a substituent of the Nakatsuka compound (2) may include phenyl groups. The rejections of record are respectfully maintained.

CYNTHIA H. KELLY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

